

JONATHAN E. NUECHTERLEIN
General Counsel

JAMES A. PRUNTY
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room NJ-3212
Washington, DC 20580
202-326-2438 (voice)
202-326-3529 (facsimile)

ATTORNEYS FOR PLAINTIFF
FEDERAL TRADE COMMISSION

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Federal Trade Commission,

Plaintiff,

v.

Kevin Wright; HCG Platinum, LLC, a Utah
Limited Liability Company; and Right Way
Nutrition, LLC, a Utah Limited Liability
Company,

Defendants, and

Weekes Holdings, LLC, an Arizona Limited
Liability Company; Primary Colors, LLC, a
Utah Limited Liability Company; KMATT
Holdings, LLC, a Utah Limited Liability
Company; Nutrisport Holdings, LLC, a Utah
Limited Liability Company; Ty D. Mattingly;
Julie Mattingly; and Annette Wright,

Relief Defendants.

CASE NO.

**COMPLAINT FOR
PERMANENT INJUNCTION
AND OTHER EQUITABLE
RELIEF**

COMPLAINT FOR PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF

Plaintiff, the Federal Trade Commission (“FTC” or “Commission”), for its complaint alleges:

1. The FTC brings this action pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), to obtain a permanent injunction, rescission or reformation of contracts, restitution, the refund of monies paid, the disgorgement of ill-gotten monies, and other equitable relief for Defendants’ acts or practices in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52, in connection with the labeling, advertising, marketing, distribution, and sale of purported hCG and other weight-loss products.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to 15 U.S.C. §§ 45(a), 52, and 53(b) and 28 U.S.C. §§ 1331, 1337(a), and 1345.

3. Venue in the United States District Court for the District of Arizona is proper under 15 U.S.C. § 53(b) and 28 U.S.C. § 1391(b) and (c).

THE PARTIES

4. Plaintiff FTC is an independent agency of the United States Government created by statute. 15 U.S.C. §§ 41-58. The FTC enforces Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52, which prohibit, respectively, unfair or deceptive acts or practices, and false advertisements for food, drugs, devices, services, or cosmetics, in or affecting commerce. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), authorizes the Commission to initiate federal district court proceedings to enjoin violations of the FTC Act, and to secure such equitable relief as may be appropriate in each case, including rescission or

reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies.

5. Defendant Kevin Wright (“Wright”) is the president and sole manager of both HCG Platinum, LLC (“HCGP”) and Right Way Nutrition, LLC (“Right Way”). Wright is also part-owner of HCGP through holding companies of which he is a member, all of which have the same business address. He is an Arizona resident. At all times material to this complaint, acting alone, or in concert with others, Wright has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of HCGP and Right Way, including the acts and practices set forth in this Complaint. In connection with the matters alleged herein, he transacts or has transacted business in this District and throughout the United States.

6. Defendant HCGP is a Utah limited liability company with its principal place of business at 14513 S. Center Point Way, Suite 100, Bluffdale, Utah 84065. HCGP has marketed homeopathic human chorionic gonadatropin (“hCG”) and other purported weight-loss products, including, but not limited to, multiple formulas under the brand name “HCG Platinum,” in this District and across the United States. At all times material to this complaint, acting alone, or in concert with others, HCGP has labeled, advertised, marketed, distributed, or sold HCG Platinum to consumers throughout the United States.

7. Defendant Right Way is a Utah limited liability company with its principal place of business at 14513 S. Center Point Way, Suite 100, Bluffdale, Utah 84065. HCGP, together with Right Way, has marketed homeopathic hCG and other purported weight-loss products, including, but not limited to, multiple formulas under the brand name HCG Platinum, in this District and across the United States. At all times material to this complaint, acting alone, or in concert with others, Right Way has labeled, advertised, marketed, distributed, or sold HCG

Platinum to consumers throughout the United States.

8. Defendants HCGP and Right Way (collectively, “Corporate Defendants”) have operated as a common enterprise while engaging in the deceptive acts and practices alleged below. Corporate Defendants have conducted the business practices described below through one another as evidenced by their common ownership, officers, managers, business functions, employees, and office locations. They have also commingled funds and represented themselves to third-party vendors as the same company. Because these Corporate Defendants have operated as a common enterprise, each of them is jointly and severally liable for the acts and practices alleged below. Defendant Kevin Wright has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of the Corporate Defendants that constitute the common enterprise.

9. Relief Defendant Weekes Holdings, LLC is an Arizona limited liability company with a registered office at 3433 E. Kenwood, Mesa, Arizona. Weekes Holdings, LLC has received funds that can be traced directly to Defendants’ unlawful acts or practices alleged below, and it has no legitimate claim to those funds.

10. Relief Defendant Primary Colors, LLC is a Utah limited liability company with a registered office at 22 West 620 South, Orem, Utah. Primary Colors, LLC, has received funds that can be traced directly to Defendants’ unlawful acts or practices alleged below, and it has no legitimate claim to those funds.

11. Relief Defendant KMATT Holdings, LLC is a Utah limited liability company with a registered office at 14513, S. Center Point Way, Bluffdale, Utah. KMATT Holdings, LLC, has received funds that can be traced directly to Defendants’ unlawful acts or practices alleged below, and it has no legitimate claim to those funds.

12. Relief Defendant Nutrisport Holdings, LLC is a Utah limited liability company with a registered office at 14513 S. Center Point Way, Bluffdale, Utah. Nutrisport Holdings, LLC has received funds that can be traced directly to Defendants' unlawful acts or practices alleged below, and it has no legitimate claim to those funds.

13. Relief Defendant Ty D. Mattingly is a Utah resident who has received funds that can be traced directly to Defendants' unlawful acts or practices alleged below, and he has no legitimate claim to those funds.

14. Relief Defendant Julie Mattingly is a Utah resident who has received funds that can be traced directly to Defendants' unlawful acts or practices alleged below, and she has no legitimate claim to those funds.

15. Relief Defendant Annette Wright is an Arizona resident who has received funds that can be traced directly to Defendants' unlawful acts or practices alleged below, and she has no legitimate claim to those funds.

COMMERCE

16. At all times material to this Complaint, Defendants have maintained a substantial course of trade in or affecting commerce, as "commerce" is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

DEFENDANTS' COURSE OF CONDUCT

17. The Defendants have labeled, advertised, marketed, distributed, and sold HCG Platinum to retailers and consumers throughout the United States since at least January 1, 2010. Advertisements for this product have appeared in magazines, in retail stores, training manuals, and on the Internet at www.hcgplatinum.com, www.rightwaynutrition.com, www.gnc.com, www.youtube.com, and www.facebook.com. Other advertisements were disseminated through

the use of Internet pop-ups, as well as on product packaging and in “success guides” that accompanied Defendants’ products.

18. HCG Platinum, in its multiple formulas, has been available for purchase at a wide range of retail stores nationwide, including, but not limited to, Rite Aid and GNC. The suggested retail price for a thirty-day supply of this product ranges between approximately \$60 and \$149. The product was also marketed and sold online for the same approximate prices. Sales of HCG Platinum have exceeded \$13 million from 2010 to the present.

19. The HCG Platinum weight-loss program consists of ingesting HCG Platinum drops sublingually before meals and following a very low calorie diet, between 500 and 800 calories per day. Corporate defendants’ advertisements claim their program is safe.

Defendants’ Product Ingredients

20. The HCG Platinum brand consists of two homeopathic formulations and one dietary supplement formulation. Homeopathic formulations use minute doses of substances that ordinarily cause symptoms in healthy individuals as a treatment for the same symptoms in ill individuals. Therefore, the ingredients in homeopathic formulations are commonly denoted as the stated ingredient diluted by factors of ten, or Roman numeral X. A 1X dilution contains one part of the listed ingredient diluted by nine parts of water. A 2X dilution takes the result of the first dilution, further diluting it by a factor of ten. Thus, a 6X formulation has been diluted six times by a factor of ten, ultimately producing one part per million of the original ingredient. The ingredient panels for homeopathic drugs indicate the quantities of active ingredients by these dilution designations. Some ingredients are designated as present in several dilutions.

21. HCG Platinum (original formulation) (homeopathic) contains, according to the product label, the following ingredients: HCG (Human Chorionic Gonadatropin) 6x, 12x,

30x, 60x; L-Arginine 3x, 12x, 30x; Acetyl L-Carnitine 3x, 12x, 30x; and L-Omithine, 3x, 12x, 30x. This formulation is labeled as a “Homeopathic Formula.”

22. HCG Platinum X-30 (30-day supply) and X-14 (14-day supply) (homeopathic drug formula) contain, according to the product labels, the following ingredients: Agnus Castus (Chaste Tree Berry) 3x, 12x, 30x; Angelica sinensis (Dong Quai) 3x, 12x, 30x; Acetyl L-Carnitine 3x, 12x, 30x; Cimicifuga racemosa (Black Cohosh) 3x, 12x, 30x; Dioscorea villosa (Wild Yam) 3x, 12x, 30x; L-Arginine 3x, 12x, 30x; L-Omithine 3x, 12x, 30x. This formulation is labeled as a “Homeopathic Drug Formula.”

23. HCG Platinum X-30 and X-14 (dietary supplement) contain, according to the product label, the following ingredients: Irvingia Gabonensis IGOB 131® Proprietary Extract (150mg), L-Arginine, Acetyl L-Carnitine, L-Ornithine, Wild Yam Root, Chaste Tree Berry, Black Cohosh Root, Dong Quai Root, and Stevia Leaf Extract. This formulation is labeled as “HCG HORMONE FREE.”

Warning Letter

24. On November 28, 2011, the U.S. Food & Drug Administration (“FDA”) and the FTC issued a joint warning letter to Defendants. The letter warned HCGP and Right Way that HCG Platinum (original formulation), HCG Platinum X-30 (homeopathic drug formula), and HCG Platinum X-14 (homeopathic drug formula) “are not considered homeopathic drug products” under FDA’s Compliance Policy Guide entitled “Conditions Under Which Homeopathic Drugs May be Marketed” (CPG 7132.15) and were unapproved new drugs in violation of Sections 301 and 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sections 331 and 355, and were misbranded in violation of Sections 503 and 301 of the Act. The letter further advised Defendants that their claims were unlawful under the FTC Act, 15 U.S.C.

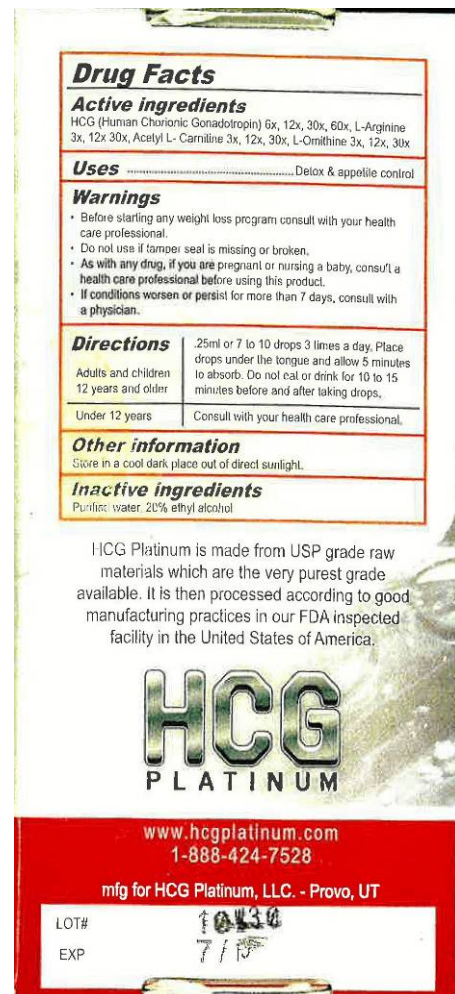
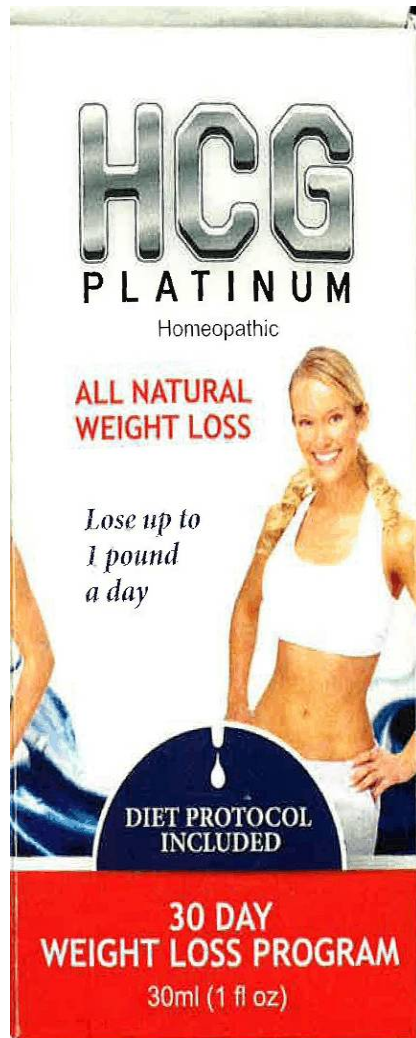
§ 41, *et seq.*, unless Defendants possessed competent and reliable evidence, including, where appropriate, well-controlled human clinical studies, substantiating that the claims were true at the time they were made.

Defendants' Product Representations

25. To induce consumers to purchase HCG Platinum, Defendants have disseminated, or caused to be disseminated, advertisements, including, but not limited to, the attached Exhibits A through F. The pictures and testimonials submitted by Defendants' customers only refer to the brand name HCG Platinum without reference to the particular formula purchased. Among other things, the advertisements contained the following statements or depictions:

a. HCG Platinum 30 Day Weight Loss Program [Homeopathic Formula]

(1) (Front and Back of Product Package)



(2) (Sides of Product Package)



b. HCG Platinum X-14 Weight Loss Formula [Homeopathic Drug Formula]

(1) (Front and Back of Product Package)

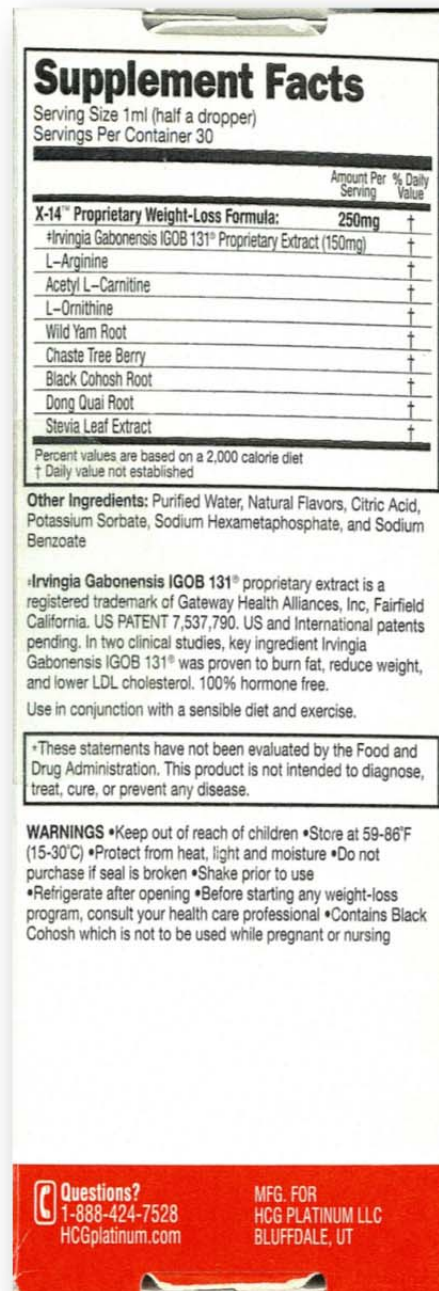
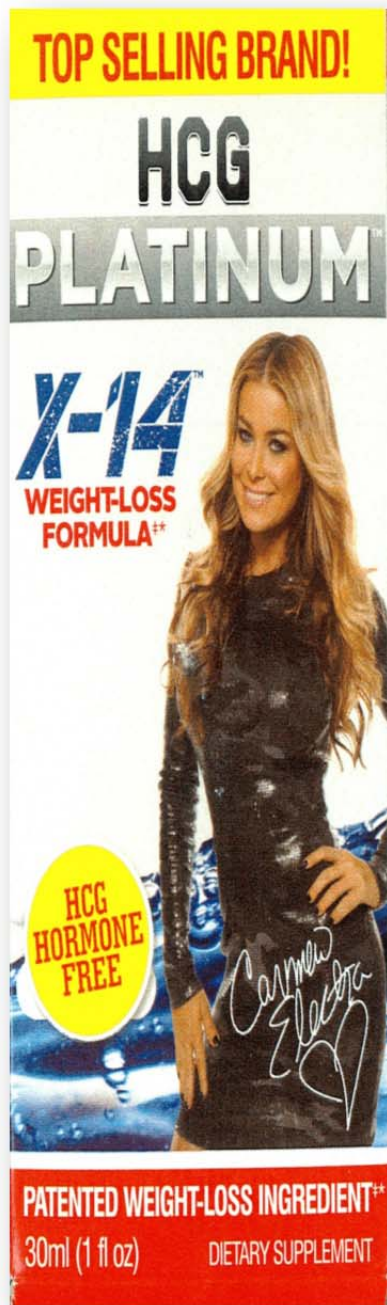


(2) (Sides of Product Package)



c. HCG Platinum X-14 Packaging [dietary supplement]

(1) (Front and Back of Product Package)



(2) (Sides of Product Package)



- d. HCG Platinum Website November 25, 2010, excerpts.
[www.hcgplatinum.com archived through www.archive.org] (Ex. A)

[Picture of celebrity endorser Carmen Electra in a two piece workout suit and to the left the words:]

“HCG Platinum is my
secret to keeping
slim, sleek, and sexy”

[below and to the left are the words:]

Lose up to 1 pound a day with all natural weight loss!

- e. HCG Platinum Website February 7, 2011, excerpts.
[www. hcgplatinum.com archived through www.archive.org]
(Ex. B1 - B2)

B1

“ELIS, AGE: 43 LOST 43 LBS”

B2

“I LOST 50 LBS. IN JUST 9 WEEKS”

Kevin Wright • President HCG Platinum

* * *

- f. HCG Platinum Website June 11, 2011, excerpts.
[www.hcgplatinum.com archived through www.archive.org]
(Ex. C1 - C4)

C1

Lose Weight Fast with HCG Platinum X-30

Lose up to 1 to 2 pounds a day* with HCG Platinum X-30, the best selling weight-loss product at GNC. Our proprietary formula combines key ingredients which have been clinically proven to burn fat, reduce weight, and lower cholesterol. With over 10 million doses sold last year and a 100% satisfaction guarantee what are you waiting for? Start loosing [sic] weight today with HCG Platinum X-30.

[Further to the right the following]

Key Ingredient
Clinically Proven To:*

√ Burn Fat*
√ Reduce Weight*
√ Lower Cholesterol*

* * *

C2

[HCG Platinum success stories follow as you scroll down the page]

["Before" and "after" pictures of "Alison" and to the right:]

"I lost 20 lbs in a month in June of 2010 and now am going to try to lose the last 20.*"
– Alison

["Before" and "after" pictures of "Janice" and to the right:]

"Not only did I lose 22 lbs. in 23 days, but... When I wake up, I feel rested, peaceful, and very energetic all day long.*"
– Janice

["Before" and "after" pictures of "Hayley" and to the right:]

"My name is Hayley, I'm 24, and I lost 15 pounds in 2 weeks on HCG Platinum.*"
– Hayley

C3

[success stories continued as you scroll down the page]

* * *

["Before" and "after" pictures of "Ellen," and to the right:]

"I've tried many fad diets, but this helped me to lose 47 lbs. in 4 months.*"
– Ellen

[“Before” and “after” pictures of “Mandi,” and to the right:]

“I don’t really like to exercise, it’s hard to get it in when I am a stay at home mom... I did HCG and lost 10 to 15 pounds in 30 days.*”

– Mandi

* * *

C4

[success stories continued]

[“Before” and “after” pictures of “Marcus” and to the right:]

“I lost just over 50 lbs in just over 9 weeks. HCG Platinum has changed the way I live.*”

– Marcus

[“Before” and “after” pictures of “Alia” and to the right:]

“My start weight was 212 ... I wore a size 20 pants. After 23 days, I am happy to report that I have lost 20 pounds...*”

– Alia

[“Before” and “after” pictures of “Doug” and to the right:]

“I have lost 127 pounds using the HCG Platinum plan ... This product works beyond my wildest dreams.*”

– Doug

[at the bottom of the success stories page there is the following statement written in small dark font against a dark background]

Important: Due to the nature of this product we can not accept any returns if the product has been opened or the tamper seal broken.

*Actual weight loss by those following the HCG Platinum weight loss protocol will vary from those who have given testimonials of their experience and more than likely will not be typical of others who have used HCG Platinum to help lose weight, and in many instances are not typical. Each person’s actual experience will depend on the reasonableness of their weight loss goal, the time they allow themselves to lose the weight to attain their weight loss goal, their age, state of health, how closely they follow the weight loss protocol cycle, and subsequent weight loss cycles followed and

any limitations placed on them by their health care professional due to the above or any other factor.

[followed by this claim]

X-30's key ingredient Irvingia Gabonensis has been clinically proven to promote weight loss, burn fat, reduce LDL cholesterol and improve blood sugar levels.

- g. HCG Platinum Website June 13, 2012, excerpts.
[www.hcgplatinum.com]
(Ex. D1 - D2)

D1

* * *

HCG Platinum's HCG weight loss drops do not contain the HCG hormone, but instead contain additional amino acids and ingredients for a safer experience.

* * *

There are many retailers who sell HCG diet drops online, but none of them can compare to the hormone-free HCG Platinum. HCG Platinum's unique formulas contain scientifically tested ingredients, manufactured in an FDA inspected facility.

* * *

D2

* * *

Many struggle with HCG weight loss, because they use products which do not contain the correct ingredients, or the necessary information resources. That is why HCG Platinum has developed products that contain effective, scientifically tested ingredients.

* * *

[bottom of page]

X-30's key ingredient Irvingia Gabonensis has been clinically proven to promote weight loss.

* * *

- h. HCG Platinum Training Materials Provided to GNC.
[appeared in GNC training binders in July 2010] (Ex. E)

Hot New Product HCG PLATINUM

HCG Platinum clients are transforming their bodies and lives in a few short weeks and you can help them! HCG Platinum is a safe, effective way to lose up to a pound or two per day and keep it off. This proprietary formula is convenient, easy to use, and trusted by doctors and weight loss clinics nationwide.

* * *

There are 3 major benefits from the release of this abnormal fat:

- 1) You will lose weight (up to 1-2 pounds daily)
- 2) Your stored fat will help support daily caloric needs
- 3) You will burn fat from areas typically hard to reduce

- i. HCG Platinum Website August 5, 2011, excerpts.
[www.hcgplatinum.com]
(Ex. F1 - F2)

F1

Frequently Asked Questions

* * *

- Q. How much weight can I expect to lose?
- A. Weight loss varies between ½ and 3 pounds per day, with the average loss being close to 1 to 2 pounds per day. Men generally seem to lose weight sooner, but the results are great for both men and women. Actual weight loss depends on the participant and how closely the weight loss protocol is followed. Actual results will vary by participant and the results many have experienced may not be typical. As a participant gets closer to their weight loss goal, and in later weight loss cycles, it may take longer to lose desired weight.

* * *

F2

* * *

Q. Are there any negative side effects with using HCG?

A. There are no known negative side effect associated with HCG Platinum in a medical sense. There are literally positive side effects as participants lose weight and size! A few experience mild headaches or dizziness for the first few days because of the detox but this is extremely rare. HCG has been used for weight loss for over 50 years. There is plenty of evidence to back up its safety. While there are no known negative side effects with HCG, each participant is encouraged to consult with a health care provider before beginning any diet protocol.

DEFENDANTS' VIOLATIONS OF THE FTC ACT

26. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits unfair or deceptive acts or practices in or affecting commerce.

27. Section 12(a) of the FTC Act, 15 U.S.C. § 52(a), prohibits the dissemination of any false advertisement in or affecting commerce for the purpose of inducing, or which is likely to induce, the purchase of food, drugs, devices, services, or cosmetics. For the purposes of Section 12 of the FTC Act, 15 U.S.C. § 52, HCG Platinum weight loss products are “foods” or “drugs” as “foods” and “drugs” are defined in Section 15(b) and (c) of the FTC Act, 15 U.S.C. § 55(b) and (c).

COUNT ONE

False or Unsubstantiated Claims

28. Through the means described in Paragraph 25, including, but not limited to, the statements and depictions contained in the advertisements attached as Exhibits A through F, Defendants have represented, expressly or by implication, that:

- a. HCG Platinum causes, or assists in causing, rapid weight loss, including one to two pounds per day for multiple weeks;
- b. HCG Platinum causes, or assists in causing, users to lose substantial amounts of weight, including as much as 127 pounds;
- c. Consumers who use HCG Platinum are likely to obtain the rapid and substantial weight loss reported by consumers who appear in Defendants' advertisements;
- d. The HCG Platinum weight loss program is safe; and
- e. HCG Platinum is clinically proven to burn fat, reduce weight, and lower cholesterol.

29. The representations set forth in Paragraph 28 were false or not substantiated at the time the representations were made. Therefore, the making of the representations in Paragraph 28 constitutes deceptive acts or practices and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

COUNT TWO

(Relief Defendants)

30. Relief Defendants have received, directly or indirectly, funds and other assets from Defendants that are traceable to funds obtained from Defendants' customers through the unlawful acts or practices described herein.

31. Relief Defendants are not bona fide purchasers with legal and equitable title to Defendants' customers' funds and other assets, and Relief Defendants will be unjustly enriched if they are not required to disgorge the funds or the value of the benefit they received as a result of Defendants' unlawful acts or practices.

32. By reason of the foregoing, Relief Defendants hold funds and assets in constructive trust for the benefit of Defendants' customers.

CONSUMER INJURY

33. Consumers have suffered and will continue to suffer substantial injury as a result of Defendants' violations of the FTC Act. In addition, Defendants have been unjustly enriched as a result of their unlawful acts or practices. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

THIS COURT'S POWER TO GRANT RELIEF

34. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to grant injunctive and such other relief as the Court may deem appropriate to halt and redress violations of any provision of law enforced by the FTC. The Court, in the exercise of its equitable jurisdiction, may award ancillary relief, including, but not limited to, rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies, to prevent and remedy any violation of any provision of law enforced by the FTC.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Federal Trade Commission, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), and the Court's own equitable powers, requests that the Court:

(a) Enter a permanent injunction to prevent future violations of the FTC Act by Defendants;

(b) Award such relief as the Court finds necessary to redress injury to consumers resulting from Defendants' violations of the FTC Act, including, but not limited to, rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies;

(c) Enter an order requiring Relief Defendants to disgorge all funds and assets, or the value of the benefit they received from the funds and assets, which are traceable to Defendants' deceptive and unlawful acts or practices; and

(d) Award Plaintiff the costs of bringing this action, as well as such other and additional relief as the Court may determine to be just and proper.

Dated: October 21, 2013

Respectfully submitted,

JONATHAN E. NUECHTERLEIN
General Counsel

/s/ James A. Prunty
JAMES A. PRUNTY
Federal Trade Commission
600 Pennsylvania Avenue, NW
NJ-3212
Washington, D.C. 20580
(202) 326-2438 (voice)
(202) 326-3259 (facsimile)
Email: jprunty@ftc.gov

Attorneys for Plaintiff
FEDERAL TRADE COMMISSION

EXHIBIT A

INTERNET ARCHIVE
Wayback Machine BETA

http://hcgplatinum.com/ Go

25 captures
7 Nov 09 - 4 Jul 11

SEP NOV FEB
2009 25 2010 2011

Close X
Help ?

ORDER NOW

HOME | DIET INFO | TESTIMONIALS | FAQs | WHOLESALE | CONTACT US | BLOG | MEDIA



- FAST WEIGHT LOSS** ☒
- IDEAL FOR MEN AND WOMEN** ☒
- SAFE, EASY AND SIMPLE** ☒
- EXERCISE RECOMMENDED BUT NOT REQUIRED** ☒

Lose up to 1 pound a day with all natural weight loss!

Our professional grade product is trusted by doctors and clinics nationwide.

HCG Platinum is made from USP grade raw materials which are the very purest grade available. It is processed and manufactured in our FDA inspected facility in the United States of America.



ORDER NOW

FREE SHIPPING

* These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

HCG PLATINUM

FREE SHIPPING



follow us on twitter and facebook

Phone: 1-888-424-7528

Terms and Conditions

Shipping: Product shipped within 3 business days of order. Allow up to 5 business days for delivery.

Returns: Product must be returned within 7 days of purchase. Product must be in original packaging and unopened.

Due to the nature of this product we can not accept any returns if the product has been opened or the tamper seal broken.

Actual weight loss by those following the HCG Platinum weight loss protocol will vary from those who have given testimonials of their experience and more than likely will not be typical of others who have used HCG Platinum to help lose weight, and in many instances are not typical. Each person's actual experience will depend on the reasonableness of their weight loss goal, the time they allow themselves to lose the weight to attain their weight loss goal, their age, state of health, how closely they follow the weight loss protocol cycle, any subsequent weight loss cycles followed and (concerns regarding HCG side effects or HCG dangers refer to FAQ page) also any limitations or questions on how to lose weight fast diet placed on them by their health care professional due to the above or any other factor.

website design by
http://www.hamiltonarts.com

LHG-M

EXHIBIT B

INTERNET ARCHIVE
WayBackMachine
25 captures
7 Nov 09 - 4 Jul 11

http://www.hcgplatinum.com/ Go

NOV FEB APR
2009 2011 2012

Close X
Help ?

HCG
PLATINUM

Also available at:

GNC LiveWell



Questions? 888-424-7528

Subscribe

ALWAYS FREE SHIPPING | Subtotal \$0.00 View Cart (0)

Home

Testimonials

Diet Info

Store

FAQ

Blog

Contact Us



"ELIS, AGE: 43
LOST 43 LBS"



MEAL REPLACEMENT DRINK
12 INDIVIDUAL PACKETS

\$39.99

FREE SHIPPING!

ORDER NOW »



1 2 3



HCG
PLATINUM 30
DAY SUPPLY
1fl oz Bottle (30ml)
\$89.95

Add to Cart



MEAL
REPLACEMENT
12-30 gram packets
\$39.99

Add to Cart



HCG
PLATINUM 60
DAY SUPPLY
2fl oz Bottle (60ml)
\$149.95

Add to Cart

MORE
HCG
BEST SELLERS!

Testimonials

February

03

2011

Testimonials

No comments yet

Testimonial Form and Instructions

We love hearing about experiences that our products work. For this reason, we are giving away a free bottle of HCG Platinum (30 day supply) for every qualified weight loss testimonial that we receive from our customers who have lost weight with HCG Platinum. We want to see before and after pictures and a paragraph describing your weight loss story with HCG Platinum. **IMPORTANT: Your story and pictures need to be very convincing in order to receive the free bottle.** Our team will review each testimonial and will choose only the best. We use these testimonials in our marketing efforts such as on our website, blog, and in commercials. Please click the link below to access the Testimonial Form and fill it out. You may print it, scan it, and email it back to us with your pictures attached to testimonials@hcgplatinum.com. We look forward to seeing your story!

[Testimonial Form](#)

Testimonials

Share

share

share

INTERNET ARCHIVE
WayBackMachine

http://www.facebook.com/plugins/likebox.php?href=http%3A%2F%2Fwww.facebook.com%2Fpa

Site consultant
replay
ONLINE
Ask your question



Recent Testimonials

Testimonial Form and Instructions

February 3rd, 2011

Alia lost 20lbs in 23 days!

February 3rd, 2011

Marcus lost over 50lbs in just over 9 weeks!

January 27th, 2011

Lindsay lost 52lbs!

January 12th, 2011

EXHIBIT B 1

INTERNET ARCHIVE
WayBackMachine BETA

http://www.hcgplatinum.com/ Go

25 captures
7 Nov 09 - 4 Jul 11

NOV FEB APR
2009 2011 2012

Close X
Help ?

HCG
PLATINUM

Also available at:

GNC LiveWell



Questions? 888-424-7528

Subscribe

ALWAYS FREE SHIPPING | Subtotal \$0.00 View Cart (0)

Home

Testimonials

Diet Info

Store

FAQ

Blog

Contact Us



"I LOST 50 LBS.
IN JUST 9 WEEKS"

— Kevin Wright • President HCG Platinum



HCG PLATINUM
1 FL OZ. – 30 DAY SUPPLY

\$89.95 FREE SHIPPING!
ORDER NOW »



before



after



HCG
PLATINUM 30
DAY SUPPLY
1fl oz Bottle (30ml)
\$89.95

Add to Cart



MEAL
REPLACEMENT
12-30 gram packets
\$39.99

Add to Cart



HCG
PLATINUM 60
DAY SUPPLY
2fl oz Bottle (60ml)
\$149.95

Add to Cart

MORE
HCG
BEST SELLERS!

Testimonials

February

03

2011

[Testimonials](#)[No comments yet](#)

Testimonial Form and Instructions

We love hearing about experiences that our products work. For this reason, we are giving away a free bottle of HCG Platinum (30 day supply) for every qualified weight loss testimonial that we receive from our customers who have lost weight with HCG Platinum. We want to see before and after pictures and a paragraph describing your weight loss story with HCG Platinum. **IMPORTANT: Your story and pictures need to be very convincing in order to receive the free bottle.** Our team will review each testimonial and will choose only the best. We use these testimonials in our marketing efforts such as on our website, blog, and in commercials. Please click the link below to access the Testimonial Form and fill it out. You may print it, scan it, and email it back to us with your pictures attached to testimonials@hcgplatinum.com. We look forward to seeing your story!

[Testimonial Form](#)

Testimonials

Share

share

share

INTERNET ARCHIVE
WayBackMachine B

http://www.facebook.com/plugins/likebox.php?href=http%3A%2F%2Fwww.facebook.com%2Fpa

Site consultant
replay
ONLINE
Ask your question



Recent Testimonials

Testimonial Form and Instructions

February 3rd, 2011

Alia lost 20lbs in 23 days!

February 3rd, 2011

Marcus lost over 50lbs in just over 9 weeks!

January 27th, 2011

Lindsay lost 52lbs!

January 12th, 2011

EXHIBIT B 2

EXHIBIT C



HCG Platinum

Ireland: 1800 616 061 UK: 0608 189 9651
[e] help@hcgplatinum.com

Questions?
Call 888-424-7528

100% SATISFACTION
GUARANTEE

**BEST
SELLING**
WEIGHT-LOSS
PRODUCT AT GNC
GNC
Live Well.



HOME STORE DIET INFO FAQ SUCCESS STORIES CONTACT US

Lose Weight Fast^{*} with HCG Platinum X-30

Lose up to 1 to 2 pounds a day* with HCG Platinum X-30, the best selling weight-loss product at GNC. Our proprietary formula combines key ingredients which have been clinically proven to burn fat, reduce weight, and lower cholesterol. With over 10 million doses sold last year and a 100% satisfaction guarantee what are you waiting for? Start losing weight today with HCG Platinum X-30.

REGULAR PRICE
~~\$89.99~~

\$75.99
+FREE SHIPPING

▶ **LEARN MORE**



Key Ingredient Clinically Proven To:^{*}

- ✓ Burn Fat^{*}
- ✓ Reduce Weight^{*}
- ✓ Lower Cholesterol^{*}

HCG Platinum

\$89.95

Get a 30-day supply of HCG Platinum original formula.



- Best Selling Weight Loss Product
- Original Formula
- 30-Day Supply

LEARN MORE

HCG Platinum Two-Pack

\$149.90

Buy a two-pack and save \$30! Original Formula



SAVE \$30.00

- Save \$30 when you get a two-pack
- Original Formula
- 60-Day Supply

LEARN MORE

Meal Replacement Shake

\$39.99

Formulated for the HCG Platinum Diet



- Perfect for On-The-Go
- High Protein
- Rich Chocolate Shake

LEARN MORE

Complete

\$159.99

Starter Kit

Lose up to a Pound a Day
SAVE \$99!! + FREE Shipping!!



Maximize
Your
Results

LEARN MORE

Corey Christine Carrie Alison Janice Hayley Melissa Ellen Mandi John Lindsay Marcus

Site consultant
OFFLINE
Leave your message



"I owe all my success to HCG and very supportive friends."*

- Corey

[Read More...](#)

EXHIBIT C 1



"I am such a satisfied customer and told everybody about the drops. I am definitely starting a new protocol ASAP!"*

- Christine

[Read More...](#)



"Today I feel great, went from a size 14 back to a 10 and going to start my second session..."*

- Carrie

[Read More...](#)



"I lost 20 lbs in a month in June of 2010 and now am going to try to lose the last 20."*

- Alison

[Read More...](#)



"Not only did I lose 22 lbs. in 23 days, but...When I wake up, I feel rested, peaceful, and very energetic all day long."*

- Janice

[Read More...](#)



"My name is Hayley, I'm 24, and I lost 15 pounds in 2 weeks on HCG Platinum."*

- Hayley

[Read More...](#)

EXHIBIT C 2



*"HCG Platinum has been a miracle in my life. It took years to find something that really worked for me. *"*

- Melissa

[Read More...](#)



*"I've tried many fad diets, but this helped me to lose 47 lbs. in 4 months. *"*

- Ellen

[Read More...](#)



*"I don't really like to exercise, it's hard to get it in when I am a stay at home mom... I did HCG and lost 10 to 15 pounds in 30 days. *"*

- Mandi

[Read More...](#)



*"I have never felt better physically or mentally!...HCG has given me a new lease on life! *"*

- John

[Read More...](#)



*"HCG Platinum really works! I recommend it to anybody who has struggled with weight for as long as they can remember. *"*

- Lindsay

[Read More...](#)

EXHIBIT C 3



"I lost just over 50 lbs in just over 9 weeks. HCG Platinum has changed the way I live."*

- Marcus

[Read More...](#)



"My start weight was 212...I wore a size 20 pants. After 23 days, I am happy to report that I have lost 20 pounds..."*

- Alia

[Read More...](#)



"I have lost 127 pounds using the HCG Platinum plan... This product works beyond my wildest dreams."*

- Doug

[Read More...](#)

[↑ Top](#)

Popular Products

- » HCG Platinum X-30
- » HCG Platinum Maintain
- » HCG Meal Replacement
- » B12 + Potassium

Customer Care

- » Frequently Asked Questions
- » Contact Us
- » Store
- » Privacy Policy
- » Terms & Conditions

Disclaimer

Important: Due to the nature of this product we can not accept any returns if the product has been opened or the tamper seal broken.

* Actual weight loss by those following the HCG Platinum weight loss protocol will vary from those who have given testimonials of their experience and more than likely will not be typical of others who have used HCG Platinum to help lose weight, and in many instances are not typical. Each person's actual experience will depend on the reasonableness of their weight loss goal, the time they allow themselves to lose the weight to attain their weight loss goal, their age, state of health, how closely they follow the weight loss protocol cycle, any subsequent weight loss cycles followed and any limitations placed on them by their health care professional due to the above or any other factor.

X-30's key ingredient Irvingia Gabonensis has been clinically proven to promote weight loss, burn fat, reduce LDL cholesterol and improve blood sugar levels.

[Home](#) [Testimonials](#) [Store](#) [FAQ](#) [Contact Us](#) [Wholesale](#) [Privacy Policy](#)

EXHIBIT C 4

EXHIBIT D



France: 09 75 18 22 59
M-F 8AM 6PM GMT

Ireland: 1800 816 061

UK: 0603 189 9651
[e] help@hcgplatinum.com

BEST SELLING
WEIGHT-LOSS
PRODUCT AT GNC
GNC
LiveWell.

GNC
Rising Star
Award
2010

HOME STORE DIET INFO FAQ SUCCESS STORIES CONTACT US BLOG

Questions?
Call 888-424-7528

100% SATISFACTION
GUARANTEE

BOTTLED CONFIDENCE

Say goodbye to fat and hello to confidence. Get a two-pack of HCG Platinum™ X-30 Plus and save \$22! With Vitamin B12, African Mango Extract, and HCG Platinum Brand Amino Acid Blend, X-30 Plus can help you reach your healthy lifestyle goals. Get a 60-day supply today!

REGULARLY ~~\$151⁹⁸~~
NOW ONLY **\$129⁹⁸**

**FREE
SHIPPING**

BUY NOW

Secure Payment



SAVE \$20⁰⁰
Get a two-pack and save!

- ✓ FREE Shipping
- ✓ 60-Day Supply
- ✓ Hormone Free

HCG PLATINUM X-30 PLUS



Try our new and improved formula today!

- FREE Shipping
- 30-Day Supply
- Hormone Free

**2 OZ BOTTLE
\$75⁹⁹**

BUY NOW

Secure Payment

HCG PLATINUM MAINTAIN



Get the companion to HCG Platinum X-30

- Increase Energy
- Control Appetite
- FREE Shipping

**2 OZ BOTTLE
\$69⁹⁹**

BUY NOW

Secure Payment

MEAL REPLACEMENT SHAKE



Replace a meal with our healthy shake

- 12 Packets
- High Protein
- FREE Shipping

**12 PACKETS
\$39⁹⁹**

BUY NOW

Secure Payment

HCG Diet Drops

There are many retailers who sell [HCG diet drops](#) online, but none of them can compare to the hormone-free HCG Platinum. HCG Platinum's unique formulas contain scientifically tested ingredients, manufactured in an FDA inspected facility. Not only is HCG Platinum extremely easy to use and effective, the products also come with all of the instructions necessary to make your healthy lifestyle experience simple.

HCG Platinum's HCG weight loss drops do not contain the HCG hormone, but instead contain additional amino acids and ingredients for a safer experience. HCG Platinum provides guidelines detailed in the success guide that is included with every product purchase. Not only does it explain how to eat healthy, it also provides recipes that make eating healthy easy. Because HCG Platinum does not follow the typical HCG diet, the recipes may not all be [HCG diet recipes](#), but they are all recipe recommendations for a healthy lifestyle.

Fortunately, HCG Platinum's healthy living support does not end with the success guide. HCG Platinum's customer service support staff can answer any question that dieters may have, as well as offer their own experiences. Available through phone calls, emails and a live chat feature on the website, customers everywhere can now obtain the support and answers that they need in order to make their healthy lifestyle change a success. If you are wondering [what is HCG](#) and how HCG Platinum is different from typical HCG diets, HCG Platinum's website and dedicated support staff may be a good resource for you. HCG Platinum also has an active Facebook and Twitter community, which allows customers to connect with others who are changing their own lifestyles.

HCG Platinum has provided [HCG diet reviews](#) on the site for those who want to see the success that others have had using HCG Platinum's products. These reviews are obtained from real-life customers whose lives have been changed forever because of their weight loss experience. We at HCG Platinum are confident that we have a product for everyone.

EXHIBIT D 1

HCG Weight Loss

There are many retailers who sell [HCG online](#), but none of them can compare to HCG Platinum. HCG Platinum's incredible product line contains everything necessary to aid individuals with reaching their weight and healthy lifestyle goals. Many struggle with HCG weight loss, because they use products which do not contain the correct ingredients, or the necessary information resources. That is why HCG Platinum has developed products that contain effective, scientifically tested ingredients. HCG Platinum's completely hormone-free HCG weight loss drops, as well as additional products such as our Meal Replacement and Maintain make achieving a healthy target weight easier and even more effective.

If you are considering an HCG purchase, we recommend our X-30, or X-30 Plus. While other retailers may sell HCG drops for weight loss, only HCG Platinum includes additional ingredients to aid with fat burning such as Irvingia Gabonensis (African Mango). We also have [HCG diet reviews](#) for those of you who want to read what others have experienced while using our products. These reviews can be helpful when determining which product is right for you. With products specifically formulated for those who want to exercise, those who want to maintain their weight, and those who are on-the-go, we are confident that there is an HCG Platinum diet product for everyone.

Corey Christine Carrie Alison Janice Hayley Melissa Ellen **Mandi** John Lindsay Marcus Alia Doug



*"I've recommended HCG Platinum to all my friends because it worked so well for me. *"*

- Hayley

[Read More...](#)



↑ Top

Popular Products

- » HCG Platinum X-30
- » HCG Platinum Maintain
- » HCG Meal Replacement
- » B12 + Potassium

Customer Care

- » Frequently Asked Questions
- » Contact Us
- » Store
- » Privacy Policy
- » Terms & Conditions

Disclaimer

Important: Due to the nature of this product we can not accept any returns if the product has been opened or the tamper seal broken.

* Actual weight loss will vary from those who have given testimonials of their experience and more than likely will not be typical of others who have used HCG Platinum to help lose weight, and in many instances are not typical. Each person's experience will depend on the reasonableness of their weight loss goal, the time they allow themselves to lose the weight to attain their weight loss goal, their age, state of health, their diet and exercise and any limitations placed on them by their health care professional due to the above or any other factor.

X-30's key ingredient Irvingia Gabonensis has been clinically proven to promote weight loss.

These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat or cure any disease.

This site is wholly owned and operated by HCG Platinum Limited.

Find us on:



[Home](#) [Testimonials](#) [Store](#) [FAQ](#) [Contact Us](#) [Wholesale](#) [Privacy Policy](#) [Sitemap](#)

EXHIBIT D 2

EXHIBIT E

HCG PLATINUM

Hot New Product



HCG Platinum clients are transforming their bodies and lives in a few short weeks and you can help them! HCG Platinum is a safe, effective way to lose up to a pound or two per day and keep it off. This proprietary formula is convenient, easy to use, and trusted by doctors and weight loss clinics nationwide.

THE SCIENCE BEHIND THE HCG DIET

- Women produce about a half a million units of HCG when they are pregnant. This hormone in their body is what protects the fetus and enables it to get the nutrition it needs by burning the mother's excess fat while leaving the structural or healthy fat and muscle tissue alone.
- HCG is a natural, quick-absorbing hormone that triggers the hypothalamus to release and mobilize extra fat you are carrying to use as a "food source."
- When you go on a very low calorie diet (VLCD) HCG helps the body make up the difference in the calories it needs to function, by using your stored fat as food.

There are 3 major benefits from the release of this abnormal fat:

- 1) You will lose weight (up to 1-2 pounds daily)
- 2) Your stored fat will help support daily caloric needs
- 3) You will burn fat from areas typically hard to reduce

THE PROTOCOL FOR THE HCG DIET

- Place a few drops under your tongue 3x daily (no injections) for a minimum of 23 days
- Eat the Dr. Simeon's diet; this includes eating a meal of meat and vegetables 2x daily and 2 fruits per day
- Take the drops and eat 500 calories a day for at least 23 days to help your body transition to a new lower body weight
- When the weight loss goal is met, stay on Dr. Simeon's diet and slowly introduce additional foods into your menu (a full protocol is included with your diet)

HCG Platinum homeopathic formula is taken orally, under the tongue and does not negatively affect the normal (healthy) fat or muscle tissue.

EXHIBIT F

Frequently Asked Questions

Q. What is the science behind HCG Platinum?

- A. HCG Platinum allows your body to target and burn abnormal fat in combination with a VLCD (very low calorie diet.) While on the HCG diet you follow a specific low calorie diet. If you were to go on this diet without taking HCG Platinum your body would proceed to go into starvation mode and begin eating muscle for energy and start storing fat.

HCG Platinum triggers the abnormal fat from areas that are typically hard to reduce and does not negatively affect the normal (healthy) fat or muscle tissue.

Q. Will my weight loss on HCG be the same as others?

- A. Actual results will vary by participant and those experienced by others are not typical. It depends on each person, their state of health, what their weight loss goal is and how well they stick to the diet protocol. Actual results have shown improvement in health and lifestyles for those who follow the protocol.

Q. Are there specific foods I should or should not eat while on the diet?

- A. Yes! The focus should be on what foods can be eaten and how to prepare them. Any foods consumed should have the fat removed and foods with sugar and starches should be avoided. We provide a success guide when you purchase HCG Platinum that will list acceptable foods and their recommended preparation.

Q. How is HCG Platinum administered?

- A. HCG Platinum is sublingual; it is administered in liquid form by placing drops under the tongue for absorption into the soft tissues. 7-10 drops should be placed under the tongue 3 times each day. The key is that the drops should be taken 10 to 15 minutes before the participant drinks any liquids or eats any food. The number of drops taken each time and the frequency depends on what each participant needs to meet their daily calorie requirement.

Q. What is the correct dosage for the 2 oz. bottle of X-30?

- A. The correct dosage for the 2 oz. bottle of X-30 is 30 drops (or about 1/2 of the dropper) 2 times a day. If you have the 1 oz. bottle, the dosage is 7-10 drops 3 times a day.

Q. How much weight can I expect to lose?

- A. Weight loss varies between 1/2 and 3 pounds per day, with the average loss being close to 1 to 2 pounds per day. Men generally seem to lose weight sooner, but the results are great for both men and women. Actual weight loss depends on the participant and how closely the weight loss protocol is followed. Actual results will vary by participant and the results many have experienced may not be typical. As a participant gets closer to their weight loss goal, and in later weight loss cycles, it may take longer to lose desired weight.

Q. Will I be hungry on very few calories a day?

- A. It is common for mild hunger to occur during the first few days, however this should pass. If mild hunger continues, increase the number of drops taken each time. Some find even very small portions of food to be completely satisfying. Some feel that it takes extra effort to eat what is allowed.

Q. Who can use the diet?

- A. The protocol works for almost everyone, young, old, male, female. If you have 10 to 100 pounds or more to lose HCG Platinum is for you, although the best results occur when Body Mass Index (BMI) value is 20 or higher. Always check with your health care professional before beginning any new weight loss program. Do NOT use HCG if you are pregnant or nursing.

Q. How and where is your HCG manufactured?

- A. HCG Platinum is made in an FDA – approved facility in the United States. The ingredients are pure and the scientific procedures used are in accord with recognized Good Manufacturing Practices (GMPs).

EXHIBIT F 1

Q. Will the HCG interfere with medications my doctor has prescribed for me?

- A.** HCG Platinum has no known negative side effects. Those with sugar diabetes need to watch their sugar/insulin levels because the diet eliminates most sugars. Also, if a person is on steroids or hormone replacement therapy, or has any health concerns, it is always a good idea to consult with your health care professional.

Q. Are there any negative side effects with using HCG?

- A.** There are no known negative side effects associated with HCG Platinum in a medical sense. There are literally positive side effects as participants lose weight and size! A few experience mild headaches or dizziness for the first few days because of the detox but this is extremely rare. HCG has been used for weight loss for over 50 years. There is plenty of evidence to back up its safety. While there are no known negative side effects with HCG, each participant is encouraged to consult with a health care provider before beginning any diet protocol.

Q. Will my birth control methods be affected by using HCG?

- A.** HCG Platinum will not interfere with any form of birth control.

Q. Will I keep the weight off?

- A.** After the HCG Platinum protocol, participants generally find their appetite and eating behavior has changed, providing the perfect opportunity to adopt a healthier lifestyle to maintain the lower weight. Among many who have followed the HCG Platinum protocol, most have had little difficulty maintaining their lower weight.

Q. How long is the program?

- A.** It depends on how much weight a participant desires to lose. The first phase of the weight loss cycle is for a minimum of 23 days and no more than 40 days on the drops, followed by a 3 week maintenance phase and a 3 week final phase. If the total weight loss goal has not been achieved during the first weight loss cycle, additional weight loss cycles can be followed until the overall weight loss goal is achieved.

Q. Wouldn't I lose weight anyway if I went on a very low calorie diet?

- A.** Yes, however, after a few days your body will start shutting down as it goes into survival mode. Weight loss in this mode comes from loss of body fluids, good fat and muscle.